

**Report of the Assistant Director to the
Statutory Licensing Regulatory Board
to be held on the 8 September 2021**

MEMBER TRAINING

1. Purpose of Report

The purpose of this report, is to provide Members with an overview of the training that will be delivered on the 8th and 11th October 2021.

2. Background

Members are minded to note, that it is best practise for all those so involved to undergo training in the legal framework and the rules on decision-making.

3. Current Position

Members will be aware that two training days are planned for the 8th and the 11th October 2021.

The first session on 8th October will introduce any new members to the world of licensing as well as providing a refresher session for long standing Members of the board. It cover the following:-

INTRODUCTION

Relevance of Council Policy

The legal framework : statutory and common law

TAXI AND PRIVATE HIRE LICENSING

Key principles of the licensing regime

Why we need regulation

The role of the local authority

The different licences needed and the licensing processes

Parameters for imposing conditions on licences

Enforcement overview

Suspending and revoking licences

Equality Act 2010 implications

Importance of Guidance

LICENSING ACT 2003

Background to Act

Key aims and principles

Licensing objectives

Licensable activities

Relevance of Council Policy

Adherence to Statutory Guidance

Types of premises affected

Licences and permissions

The Operating Schedule as part of the application process

Conditions of licence - mandatory

Conditions of licence - mediated

Conditions of licence - voluntary

Conditions of licence - imposed at a hearing

Introduction to the review process

NB Relevant case law examples and scenarios will be included

Members will also be aware that the Department for Transport produced new guidance in July 2020 setting out their 'Statutory Standards' for taxi and private hire licensing, and as such we have recently concluded our consultation on the proposed policy. The statutory standards will form a major part of the second session as it has implications for all those involved in the decision making process.

The second session on the 11th October will cover the law and rules in relation to decision making as follows:-

INTRODUCTION

The legislative framework

Principles of decision making

Delegations and Constitution

The importance of training for those involved in making decisions

LICENSING COMMITTEES AND THE ROLE OF MEMBERS

Licensing functions are non-executive

The 'prejudicial interest' concept

Conduct of committees

Human Rights and licensing

Rules of Natural Justice

The right to a 'fair' hearing

Proportionality

Bias and pre-determination

Key principles of decision making and relevant case law

Appeals

Judicial Review

TAXI AND PRIVATE HIRE LICENSING

What is the purpose of the licensing regime

Protecting the public

Child Sexual Exploitation

Taxi/Private Hire drivers and the Rehabilitation of Offenders Act 1974

Principles involved in determining 'fitness' and relevant case law

Importance of criminal convictions policy

Deregulation, sub-contracting and 'out of district' vehicles

Dft Statutory Standards Guidance

Dft Best Practice Guidance

How to achieve 'common standards' among licensing authorities

LICENSING ACT 2003

Importance of Statutory Guidance

Relevance of Council policy

The role of Public Health

Regulations governing Hearings

The importance of the Review process

Case law on reviews

Pavement cafes

Business and Planning Act implications for licensing

NB Relevant case law examples and scenarios will be included

4. Proposal

All Members of both General and Statutory Licensing Committee should endeavour to attend both training sessions on the 8th and 11th October as elements covered on day one will not be covered on day two and vice versa. Having read this report should Members wish to request any other specific licensing areas to be covered could they please contact the Senior Licensing Officer by e-mail no later than Friday 24th September 2021.

5. Background Papers

None available.

6. Officer Contact

Deborah Bailey
07786525961